

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LOUIS JAMES GAFFNEY, III, a minor, )  
by and through his parent and natural )  
guardian, RENEE GAFFNEY, )  
Plaintiff, )

vs. )

RUSH TRUCKING CORPORATION; )  
and BARCLAY HENDERSON, JR., )  
Defendants. )

RUSH TRUCKING CORPORATION; )  
and BARCLAY HENDERSON, JR., )  
Third-Party Plaintiffs, )

vs. )

DARRAL GAFFNEY, Administrator of )  
the ESTATE OF LOUIS JAMES )  
GAFFNEY, JR., )  
Third-Party Defendant. )

RENEE GAFFNEY, LOUIS GAFFNEY, )  
III, a minor, by and through his parent )  
and natural guardian, RENEE GAFFNEY; )  
TAMMERA GAFFNEY; LOUIS )  
GAFFNEY, SR.; HELEN GAFFNEY; and )  
DARRAL GAFFNEY, Personal )  
Representative for the ESTATE OF )  
LOUIS GAFFNEY, JR., Deceased, )  
Plaintiffs, )

vs. )

**CIVIL ACTION**

**Case No.: 04-0115**

**Consolidated with Case No.: 04-1170**

**Judge Lancaster**

RUSH TRUCKING CORPORATION; )  
BARCLAY HENDERSON, JR. and )  
COMPLETE PERSONAL LOGISTICS )  
Inc., )  
Defendants. )

RUSH TRUCKING CORPORATION; )  
and BARCLAY HENDERSON, JR., )  
Third Party Plaintiffs, )

vs. )

CHRISTINE A. WALCZAK, )  
Third Party Defendant. )

**ORDER OF COURT**

NOW, this 14<sup>th</sup> day of July, 2006, it is hereby ORDERED,

ADJUDGED and DECREED that the foregoing Petition for Leave to Settle a Death Case in Which a Minor Has an Interest is GRANTED and the Settlement Agreement attached to the Petition for Leave to Settle a Minor's case is APPROVED. Petitioners are granted leave to settle this claim for \$1,099,471.37.

The entire settlement proceeds shall be allocated to wrongful death damages and the settlement shall be allocated pursuant to Maryland law with 50% going to Renee Gaffney as surviving spouse of Louis Gaffney, Jr., deceased (Decedent), 20% each to Tamera Gaffney and Louis Gaffney, III, a minor, as surviving children of Decedent, and 10% to Louis Gaffney, Sr. and Helen Gaffney as surviving parents of Decedent.

Louis Gaffney, III, a minor, is entitled to recover the sum of \$219,894.27 as wrongful death heir of Decedent. This sum, which is payable in twenty-five separate installments as described in Exhibit A, shall be distributed as follows:

(a) From the initial payment to Minor of 139,894.27 (20% of \$699,471.37) to be made shortly after court approval is obtained:

PAY TO:

(i) ROSEN LOUIK & PERRY, P.C. Attorneys fees	\$46,631.42
(ii) ROSEN LOUIK & PERRY, P.C. Reimbursable costs	5,991.56
(iii) TRUST f/b/o LOUIS GAFFNEY, III, a minor (DOB 5/30/97)	87,271.29

(b) From the first six monthly payments to Minor of \$4,000.00 (20% of \$20,000.00):

PAY TO:

(i) ROSEN LOUIK & PERRY, P.C. Attorneys fees	\$1,333.33
(ii) TRUST f/b/o LOUIS GAFFNEY, III, a minor (DOB 5/30/97)	2,666.67

(c) From the final eighteen monthly payments to Minor of \$3,111.11 (20% of \$15,555.56):

PAY TO:

(i) ROSEN LOUIK & PERRY, P.C. Attorneys fees	\$1,037.03
(ii) TRUST f/b/o LOUIS GAFFNEY, III, a minor (DOB 5/30/97)	2,074.07

In the event that payments are made to Minor before the establishment of the Trust for his benefit, Neil R. Rosen, Esquire, shall hold those payments in escrow and pay them to the trust

immediately upon receipt of notice that the trust has been established. Neil R. Rosen shall file with the Clerk a proof of deposit for each individual payment made to the trust.

Attorneys fees in the amount of \$73,298.09 and costs in the amount of \$5,991.56 are approved as fair and reasonable from the wrongful death recovery of Louis, Gaffney, III Decedent's minor child.

All other Petitioners who are receiving wrongful death payments shall be responsible for their proportionate share of attorney's fees and costs.

BY THE COURT

A handwritten signature in black ink, appearing to read "J. L. Hunt", is written over a horizontal line. The signature is stylized and cursive.